

Official Minutes for Webb County Commissioners Court Meeting

Monday, February 27, 2006 at 1:00 PM
and continuing Tuesday, February 28, 2006 at 1:00 PM
(Approved 03-13-2006)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Cindy Cortez-Brunner	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 24th of February 2006. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by All

- Item No. 4 Approval of minutes – February 13, 2006

Cmr. Garza motioned to approve the minutes as presented. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 5 Approval of bills, payroll and monthly reports

Mr. Louie Saucedo, Treasurer's Department, presented the Treasurer's Report ending January 31, 2006. He stated that there was an increase of 13.49% in sales tax revenues.

Cmr. Garza motioned to approve the Treasurer's Monthly Report. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

Cmr. Cortez-Brunner read a letter from the Texas Department of Transportation regarding the construction of an overpass at FM1342 and Mines Road. She stated that construction at the overpass would begin in March 2006 with expected completion in 24-30 months.

Item No. 7 Public Comment

There were no Public Comments.

Item No. 8 Report on Webb County Healthcare Funding District action as taken at its initial meeting on February 22, 2006.

Mr. Frank X. Salinas, Indigent Services Director, was present to address the court. He stated that he was present in his capacity as Commissioner for the Health Care Funding District. He stated that officers for the District were selected during the first meeting in which Mr. Ruben Soto was selected Chairman and Sister Rosemary Welsh was selected Secretary. He stated that with the creation of this district, the hospitals would tax themselves and those revenues would be used to offset the cost of services rendered to indigent patients. He stated that this tax would not be passed on to the residents. He stated that Nueces County and Bexar County have similar programs. He stated that as the resolution creating this district was presented, it was solely for the self taxing of the hospitals but that it would be possible for the hospitals to come before the court in the future to request additional monies from the Indigent Health Care Program (IHCP). Cmr. Gutierrez stated that her understanding of the district was that the IHCP monies would be used to draw down the additional state monies that would also be used to offset indigent health care costs. Mr. Raul Casso, Chief of Staff, stated that the use of IHCP monies was part of the agenda but that the mechanism dictating what role this would play was not designated and agreed upon. He stated that this would be discussed further at the district's next meeting. Cmr. Gutierrez stated that it was erroneous to advise the court that it was unknown whether IHCP monies would be used since it was not discussed at the meeting when it was known before hand that they would. She stated that as per the legislature, the county would not qualify for federal matching funds unless the court funds the IHCP the full 8%. She stated that she supports this project.

Item No. 9 Discussion and possible action to fill slot - Recreational Clerk - in El Cenizo/Rio Bravo Community Center.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 10 Discussion and possible action to direct the Road and Bridge Superintendent to remove a quantity of used tires presently collected at a certain location in Rio Bravo, and dispose of such tires where appropriate, and any other matters incident thereto.
- Judge Bruni motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Cmr. Gutierrez requested that the issue of used tires at other colonias be addressed at a future meeting and possibly have the Road and Bridge Department go into County Roads to pick up these tires. Cmr. Sciaraffa concurred with Cmr. Gutierrez and stated that the court should look into formulating a plan for tire removal within the county. Mr. Homero Ramirez, County Attorney, recommended that the court look into the cost associated with tire removal as well as possibly look into entering into an Interlocal Agreements for this service as per State Law.
- Item No. 11 Discussion and possible action to name the community park, located in the Larga Vista Subdivision, the "Ernest M. Bruni and Alice Bruni Hall Community Park" and any matters incident thereto.
- Cmr. Gutierrez stated that due to a miscommunication, members of the family being honored were not able to attend. She requested that the court come back at a future meeting to recognize the family. She stated that Ernest and Alice Bruni were very generous to the community and donated the property to be able to construct the Community Center and park.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 12 Discussion and possible action to enter into an agreement with Medina Electric for a security light in the Botines area (20 miles North of Laredo on the west side of Hwy. 83) being a total not to exceed THREE THOUSAND FIVE HUNDRED THIRTY NINE DOLLARS AND TWENTY SEVEN CENTS (\$3,539.27, which includes a one time charge of \$3,952.19 for installation and \$34.41 per month for service) for a period of one (1) year from the date of installation and authorizing the County Judge to sign all relevant documents.[Requested by MIS Department, Account No. 001-0500-6402 (Repairs and Maintenance)]
- Cmr. Cortez-Brunner stated that the correct Account No. should be 010-7002-6402 from the Utilities Department and that the item was requested by the Utilities Department.

Judge Bruni motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Mr. Tomas Rodriguez, County Engineer, stated that the light would be placed on Botines Lane, next to the concrete pad for the mailboxes on county property.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Public reading of proclamation: National Education Association (NEA) Read Across America, with discussion and possible action for Commissioner's Court to officially endorse the same, and any other matters incident thereto. Page 3 of 8

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Judge Bruni motioned to move into Executive Session. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (1:58 PM to 2:53 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

- Item No. 14 Discussion and possible action to contract with Texas Department of Criminal Justice, Texas Correctional Industries, Metal Division, for purchase of materials and installation of security fence around Webb County Jail parking lot perimeter, for total cost not to exceed THIRTY FIVE THOUSAND DOLLARS (\$35,000.00). [The Commissioners Court may meet in closed session to deliberate on this item as authorized by Texas Government Code Title 5, Subchapter D, Section 551.076 (Deliberation regarding security devices)] .

- Item No. 15 Discussion and possible action to repair and/or upgrade jail cells locking systems at the Webb County Jail, engage provider, and order discretionary exemption from competitive bidding pursuant to Section 262.024(a)(3), Local Government Code, ("an item necessary because of unforeseen damage to public property"), and any matters incident thereto. [The Commissioners Court may meet in closed session to deliberate on this item as authorized by Texas Government Code Title

5, Subchapter D, Section 551.076 (Deliberation regarding security devices)]

Mr. Homero Ramirez, County Attorney, stated that Executive Session for Item No. 14 and No. 15 was solely for deliberation regarding security devices. Cmr. Sciaraffa stated that he was comfortable with approving Item No. 15 but would like additional time to review Item No. 14. Mr. Rick Flores, County Sheriff, reminded the court that this was for the safety of the deputies, county employees and inmates. He stated that he has valid concerns with jail security and safety and is asking the court to evaluate the security at the jail. Judge Bruni stated that he was concerned about causing additional gridlock at the busy intersection in front of the jail if a fence is built around the jail parking lot. Sheriff Flores stated that they have approximately 50 cars in the parking lot at any given time. He stated that the fence would be used mainly to safeguard the building at night. He stated that the parking lot would have two entrances (east and west side). He stated that they are recommending Texas Correctional Industries, Metal Division, for Item No. 14 since they are exempt from competitive bidding and are able to give the best price. Cmr. Gutierrez stated that she was sensitive to the issue of security but wanted to balance that out with any possible traffic gridlock that this would cause. She stated that she would like to go out for RFPs to give other vendors a chance to submit their proposals and to give the court a chance to see what is out there. Sheriff Flores stated that his main concern was the safety and security of his staff, the inmates and visitors. Cmr. Sciaraffa stated that his concerns were valid and feels that the jail cell locking system was very necessary but that the security fence needed to go out for RFPs.

Judge Bruni motioned to go out for bids for Item No. 14 and come back at the next meeting with a recommendation. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Carlos Villarreal, Executive Administrator, recommended going with the company recommended by Sheriff Flores to repair and/or upgrade the jail cell locking system. He stated that the company being recommended was Southern Folger.

Judge Bruni motioned to approve Item No. 15 and award to Southern Folger. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 16 Consideration and appropriate action for the Commissioners Court to approve request from the Tax Assessor-Collector's Office, Dept. 0700: Refund due as follows:
Royal Joint Venture
P.O. Box 1262, Laredo, TX 78042-1262
Acc # 997-00015-060
Reason: Correct Land Value; Classified as Detention Pond for 2003/2004
Total Refund: \$4,738.57

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to approve the submission of a grant in conjunction with the City of Laredo Police Department for an Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$40,488.50 for law enforcement equipment. This grant has no match; and, thus, is at no cost to the County.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action for the approval to add the following forfeiture vehicle to the Webb County Sheriff's Department fleet:
1998 Jeep Cherokee VIN# 1J4GZ78Y1WC210874

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible to address emergency regarding jail cell door in serious state of disrepair and construction of a cyclone fence around Law Enforcement Center area due to heightened security concerns

Cmr. Gutierrez stated that this item was already taken care of earlier in the meeting but requested that the repair order also include the repair of the front door.

- Item No. 20 Discussion and possible action to approve the following changes for personnel of the Webb County Sheriff's Department effective February 24, 2006. The salary increases are equal to the salary decreases and the amount of personnel costs budgeted for fiscal year 2005-2006 remain unchanged

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to enter into a one (1) year (January 24, 2006 through January 23, 2007) software maintenance ("IBM

Services Elite") agreement with Sirius Computer Solutions, Inc./IBM Corporation for the iSeries 400 equipment at a cost of TWENTY-FIVE THOUSAND EIGHTY DOLLARS (\$25,080.00) and authorizing the County Judge to sign all relevant documents. [Requested by MIS Department, Account No. 001-0500-6402 (Repairs and Maintenance)]

Cmr. Garza motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 22 Discussion and possible action to enter into a Memorandum of Understanding and individual Cooperative Working Agreements with the South Texas Council on Alcohol and Drug Abuse (STCADA) beginning September 1, 2005 and ending August 31, 2006, to allow STCADA to provide alcohol and drug abuse services as well as STD/HIV/HCV prevention services for referrals made by the Webb County Larga Vista Community Center to STCADA during the term of the Agreements and authorizing the County Judge to sign all relevant documents. [Requested by Community Action Agency]

Mr. Homero Ramirez, County Attorney, stated that this item was requested by the Larga Vista Community Center Director.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Cmr. Sciaraffa congratulated Ms. Alice Medina, Larga Vista Center Director, for bringing STCADA to Larga Vista. He stated that he will start looking into bringing this program to Rio Bravo, El Cenizo and the other community centers. Cmr. Gutierrez stated that this came about during the monthly meetings held with the Larga Vista residents to discuss what programs they wanted.

Motion carried 5-0 by unanimous consent.

- Item No. 23 Discussion and possible action to enter into an "Alarm System Purchase and Signal Monitoring Services Agreement" with Profire Protection Inc./PSS Security Inc located at the La Ladrillera Community Center for a period of twenty-four (24) months (February 21, 2006 through February 20, 2008) at THREE HUNDRED SEVENTY-FIVE DOLLARS (\$375.00) and monthly payments of NINETEEN DOLLARS AND NO CENTS (\$19.00) to equal to a total of EIGHT HUNDRED THIRTY-ONE DOLLARS (\$831.00) over the term of the agreement and authorizing the County Judge to sign all relevant documents.

[Requested by Commissioner Cindy Cortez Brunner, Account No. 696-8007-8801 (Capitol Outlay)]

Comr. Gutierrez motioned to approve item as submitted. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24 Discussion and possible action to authorize, by order, the adoption, pursuant to Government Code section 51.961, of a "family protection" fee not to exceed thirty (\$30.00) dollars in suits for dissolution of marriages (divorces). [Requested by Webb County District Clerk].[Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez, County Attorney, stated that back up information was submitted with the agenda. He stated that this was something that was brought about through the Legislature.

Comr. Sciaraffa motioned to approve item as submitted. Comr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, advised the court that Mr. Manuel Gutierrez, District Clerk, requested that the fee be set at \$15.00 instead of \$30.00.

Comr. Sciaraffa amended his motion to set the fee at \$15.00. Comr. Gutierrez amended her second.

Motion carried 5-0 by unanimous consent.

Item No. 25 Status Report by Mr. Jon Christian Anderson regarding status of Webb County v. Chevron U.S.A., Inc. et al; No. 01-04-01284 CV and Webb County v. Conoco, Inc., et al; No. 01-04-01285-CV. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).]

Mr. Homero Ramirez, County Attorney, requested that this item be tabled. He stated that he was unable to contact Mr. Anderson in time to arrange for him to be here.

Comr. Sciaraffa motioned to table Item No. 25. Comr. Gutierrez seconded the motion.

Motion carried 4-0 with Judge Bruni abstaining.

- Item No. 26 Discussion and Possible action to accept the allocation of \$466,617 for FY- 2006 of the Community Services Block Grant (CSBG) funds, general orders, publishing a notice of public hearing, approve the Executive Director to proceed with necessary negotiation with the Texas Department Housing & Community Affairs.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 27 Discussion and possible action to authorize the submission of a contract extension request for TCDP contract # 721175 (Colonias Old Milwaukee/Tanquesitos I) House to Line connection and TCDP contract # 722205 (Colonia Tanquesitos I) Sanitary Sewer Collection System for one (1) additional year for both projects. (The contract extension will not impact the County's General Fund).
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 28 Discussion and possible action on authorizing the submission of a Contract Amendment # 2 to the Texas Department of Housing & Community Affairs HOME Program Contract No. 1000038. The Contract Amendment is needed to adjust housing activities and to increase the maximum Annual Median Family Income (AMFI) from 30% to 60% of AMFI. (The contract extension will not impact the County's General Fund).
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 29 Discussion and Possible Action Authorizing Deduct Change Order No. 4 in the amount of \$5,300.00 and Final Payment and Retainage to Puma Builders in the amount of \$30,765.20, for the Records Management Building.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.
- Motion carried 5-0 by unanimous consent.

Item No. 30 Discussion and Possible Action Authorizing Final Payment and Retainage in the amount of \$31,988.18 to Jimmy Closner Construction Company for the TWDB-EDAP El Cenizo Water Line Replacement. This is subject to the Texas Water Development Board's approval.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 31 Approval of a Resolution authorizing the Juvenile Department to submit a grant application to the Criminal Justice Division for a Victims of Crime Act (VOCA) Program in the amount of \$34,310 with in-kind match funds of \$8,578, and further authorizing the County Judge, the County Auditor, and the Chief Juvenile Probation Officer to execute all forms relevant to said grant.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 32 Discussion and possible action to adopt by Order the revisions to the model subdivision rules enacted by the State of Texas pursuant to the provisions of Sections 16.343 and 16.350 of the Texas Water Code; repeal the current Webb County Model Subdivision Rules enacted by the Commissioners Court on April 10, 2000; and order a public notice of the Commissioners Court's Order to be published in a newspaper of general circulation in accordance with law. (NOTE: These rules must be adopted at the local level for Webb County's continued eligibility for state and federal funding of colonia improvements).

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Ms. Rhonda Tiffin, Planning Director, stated that the changes made were to the chapter numbers of the Texas Administrative Code referenced in the rules. She stated that there are more definitions included in reference to private water wells and potable water standards.

Motion carried 5-0 by unanimous consent.

Item No. 33 Discussion and possible action to authorize the Purchasing Agent to purchase the following vehicles through the Houston Galveston Area

Council state contract VE10-03 for the District Attorney's Office. 169-1100-8801 Description Vendor Amount

(1) one 2006 Ford Expedition	Philpott Motors LTD	\$25,309.25
Color: Silver Birch in stock		
(1) one 2006 Tahoe	Classic Chevrolet	\$31,302.37
Color: White		

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 34 Discussion and possible action to authorize the Purchasing Agent to issue a purchase contract to remanufacture engine for one (1) transportation vehicle VIN 1FDXE45S45HA66086 (Unit #2) to BAF Technologies in the amount of \$7,726.07 for the CAA-El Aguila Rural Transportation Department. 980-4205-6403

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 35 Discussion and possible action to authorize the Purchasing Agent to issue a purchase contract to Rock River Arms, Inc. for three (3) tactical weapons in the amount of \$6,322.50 for the District's Attorney Office. 169-1100-6228

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 36 Discussion and possible action to authorize repairs to Sheriff's Department unit (2005 Crown Victoria VIN # 2FAFP71W85X148624) which was involved in a motor vehicle accident on or about November 23, 2005.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (3:32 PM to 3:54 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

- Item No. 37 Discussion and possible action regarding Civil Action No. L-05-CV-0076; Luis Montes vs. Webb County, Texas and Cynthia Mares; In the United States District Court for the Southern District of Texas, Laredo Division Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Mr. Homero Ramirez, County Attorney, recommended designating a representative, either himself or someone else, to attend the mediation scheduled as instructed by the Federal Court. He requested that if he is selected to as representative for Webb County that he be given permission to designate an alternate in this matter if necessary.

Cmdr. Gutierrez motioned to appoint Mr. Homero Ramirez as the county's representative and accept the County Attorney's recommendation state above. Cmdr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, requested that the court authorize him to waive the County's privilege concerning communication and/or information and/or attorney work product from attorney Angelica Hernandez and the firm of McKinney and Hernandez in the matter of Leticia Hernandez and Deyanira Vasquez vs. Webb County, Texas and Cynthia Mares in prior litigation. He stated that this information would be used by counsel for Webb County in Luis Montes vs. Webb County, Texas and Cynthia Mares.

Cmdr. Gutierrez motioned to approve the County Attorney's request as stated above. Cmdr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmdr. Gutierrez reminded everyone of the Youth Village groundbreaking ceremony scheduled for tomorrow at 11:00 AM.

- Item No. 38 Adjournment

Cmdr. Gutierrez motioned to adjourn the meeting. Cmdr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.